

REMARKS

Applicant thanks the Examiner for the courtesy shown during a telephonic discussion with the undersigned requesting a Certified Translation Of Priority Document.

Submission of Certified Copy Of The Priority Document

In response to the Examiner's comments on page 2 of the final Office Action dated August 21, 2006, and further to the Examiner's telephonic request, Applicant submitted a Certified Translation of Priority Document to the USPTO on October 25, 2006. The certified translation was of Japan Application Number 2003-054519 which was filed on February 28, 2003, and to which priority was claimed under 35 U.S.C. § 119.

Status Of Claims

Upon entry of this amendment, claims 2-10 and 12-14 are pending in this application. No claims are amended. No new matter is added.

Response to Claim Rejections under 35 U.S.C. § 102

The Office Action of August 21, 2006, maintains the rejection of claims 2-4, 9-10 and 12-14 under 35 U.S.C. § 102(e) as being anticipated by Hirai et al (6,952,465; "Hirai '465"). The basis for the maintenance of the rejection was the USPTO's requirement of a certified translation of the priority document (Office Action, pages 2 and 5).

As discussed above, Applicant has submitted a Certified Translation of Priority Document to the USPTO. Accordingly, Applicant maintains the traverse filed on August 7, 2006, and requests the withdrawal of all rejections under 35 U.S.C. § 102(e).

Applicant respectfully maintains the Office Action of June 7, 2006, acknowledges Applicant's claim to foreign priority under 35 U.S.C. § 119 and indicates that all certified copies of priority documents have been received. Accordingly this application has benefit of a foreign priority date of February 28, 2003 (*see* Applicant's declaration, on page 1). Applicant claims priority to Japan Application Number 2003-054519 which was filed on February 28, 2003.

Further, Hirai '465 was filed on October 23, 2003. Hirai '465 is a U.S. patent based on a foreign national filing and is effective as of the U.S. filing date only (*See*, MPEP § 2136.06). Hirai '465 is not a PCT application. Applicant's foreign priority date of February 28, 2003, is before Hirai '465's filing date of October 23, 2003. Accordingly, later-filed Hirai '465 is not available as prior art under 35 U.S.C. § 102(e). Applicant respectfully submits this rejection is improper and requests all rejections under 35 U.S.C. § 102(e) over Hirai '465 be withdrawn.

Response to Claim Rejections under 35 U.S.C. § 103

The Office Action of August 21, 2006, maintains the rejection of claims 5-8 under 35 U.S.C. § 103(a) as being unpatentable over Hirai '465 in view of Kaifu et al (6,075,256; "Kaifu '256"). Applicant maintains the traverse filed on August 7, 2006 and requests the withdrawal of all rejections under 35 U.S.C. § 103(a).

Applicant respectfully reasserts Applicant's foreign priority date of February 28, 2003, is before Hirai '465's filing date of October 23, 2003. Accordingly, later-filed Hirai '465 is not available as prior art under 35 U.S.C. § 103. Applicant respectfully submits this rejection is improper and request all rejections under 35 U.S.C. § 103(a) over Hirai '465 be withdrawn.

CONCLUSION

Applicant respectfully asserts that the application is now believed to be in a form for allowance and such action is hereby solicited.

If any points remain an issue which the Examiner feels may be best resolved through an additional personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No.

1232-5295. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 26, 2006

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